

FILED

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

NOV 07 2023

UNITED STATES DISTRICT COURT  
for theMark C. McCartt, Clerk  
U.S. DISTRICT COURTNorthern District of Oklahoma 

Division \_\_\_\_\_

Jenifer Andres

Case No. **23 CV - 482 CVE - SH**

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**-v-**

Portfolio Recovery Associates

Jury Trial: (check one)  Yes  No

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Jenifer Andres
Street Address	8922 E 60TH ST
City and County	Tulsa
State and Zip Code	OK 74145-8723
Telephone Number	918-802-5820
E-mail Address	andresjenifer015@gmail.com

## The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Mail  
 C/J  C/MJ  C/Retd  O/J  
 No Cpls  No Cert Svc  No Orig  
 B. Sign  No Env/Cpls  O/MJ

Defendant No. 1

Name	Portfolio Recovery Associates
Job or Title ( <i>if known</i> )	
Street Address	209 WEST WASHINGTON STREET
City and County	CHARLESTON
State and Zip Code	WV, 25302
Telephone Number	1-800-772-1413
E-mail Address ( <i>if known</i> )	

Defendant No. 2

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

Defendant No. 3

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

Defendant No. 4

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 U.S.C 1692

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Jenifer Andres , is a citizen of the State of *(name)* Oklahoma

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* , is incorporated under the laws of the State of *(name)* and has its principal place of business in the State of *(name)*

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* , is a citizen of the State of *(name)* . Or is a citizen of *(foreign nation)*

b. If the defendant is a corporation

The defendant, *(name)* portfolio recovery associates , is incorporated under the laws of the State of *(name)* West virginia , and has its principal place of business in the State of *(name)* virginia .  
Or is incorporated under the laws of *(foreign nation)* , and has its principal place of business in *(name)* .

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$50,000 plaintiff was denied work and credit due to the reporting of defendant

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

plaintiff call each defendant regarding th accounts being furnished by their company and dispute the accounts but defendant failed to mark the account dipsute when plaintiff check her consumer profile after updating

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

plaintiff askes for judgment judgment be entered in favor of Plaintiff and against the Debt Collector for :A. Judgment for the violations occurred for violating the FDCPA;  
B. Actual damages pursuant to 15 U.S.C 1692k(l)(2);  
C. Statutory damages pursuant to 15 U.S.C 1692k(2);  
D. Cost and pursuant to 15 U.S.C 1692k(3); E. For a deletion and further relief as the Court may deem just and proper.  
E. For a deletion and further relief as the Court may deem just and proper.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/02/2023

Signature of Plaintiff



Printed Name of Plaintiff

Jennifer Andres

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

Jennifer Andres ) JURY TRIAL DEMANDED  
Plaintiff, )  
 )  
V. )  
 )  
 ) Case No.  
 )  
Portfolio Recovery Associates )  
Defendant. )  
 )  
 )

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COMPLAINT AND DEMAND FOR JURY TRIAL

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**I. INTRODUCTION**

1. This is an action for actual statutory, punitive damages and cost brought by Plaintiff Jeniffer Andres, an individual consumer, against Defendant Portfolio Recovery Assocaites ("PRA") for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**II. JURISDICTION AND VENUE**

2. This credit card agreement (hereinafter "The Agreement") which includes attractions Jurisdiction of this court arises under 15 U.S.C § 1692k(d) 28 U.S.C 1331. Venue in this District is proper in that the Defendants transact business in Tulsa, Oklahoma, Tulsa County, Oklahoma. and the conduct complained of occurred in Tulsa, Oklahoma, Tulsa County, Oklahoma.

### **III. PARTIES**

3. Plaintiff Jeniffer Andres (hereinafter "Ms. Andres") is a natural person Residing in Tulsa, Oklahoma, Tulsa County, Oklahoma. Ms. Andres is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C § 1692a(3).

4. Upon information and belief, Defendant Portfolio Recovery Associates is located at 209 West Washington Street, Charleston, WV, 25302, United States. Defendant "PRA" is engaged in the collection of debt from consumers using mail and telephone. Defendant regularly attempts to collect consumer's debt, alleged to be due to another's. Plaintiff alleged "debt" as defined by the FDCPA, 15 U.S.C 1692a(5); this alleged debt at issue arose from a transaction entered into primarily for personal family or household purposes.

### **IV. FACTS OF THE COMPLAINT**

5. Defendant Portfolio Recovery Associates (hereinafter referred to as "debt collector") is a "debt collector" as defined by the FDCPA, 15 U.S.C 1692a(6).

6. On or about August 2, 2023, Ms. Andres received a phone call from Defendant attempting to collect on an alleged debt from Synchrony Bank for \$2,015.06, Ms. Andres informed the representative " that she was at work right now, and it was not a good time."

7. On or about August 14, 2023, Plaintiff received another call from the Debt Collector and stated, " I'm at work right now, and I can't talk". This was in violation of 15 U.S.C 1692c(a)(1), and 15 1692c(a)(3).

8. Plaintiff has suffered actual damages as a result of these illegal collection communications by Defendant in the form of anger, anxiety, decreased ability to focus on a task while at work, and frustration, amongst other negative emotions. Plaintiff has also suffered from a misalignment of

her spine and severe headaches over the past several weeks. As a result, Plaintiff had to miss work to see a chiropractor when the pain increased severely.

**I. FIRST CLAIM FOR RELIEF**  
**(Defendant Portfolio Recovery Associates)**  
**15 U.S.C. §1692c(a)(1)**

9. Ms. Andres re-alleges and reincorporates all previous paragraphs as if fully set out herein.

10. The Debt Collector violated the FDCPA.

11. The Debt collector's violations include, but are not limited to, the following :

The Debt Collector violated 15 U.S.C. § 1692c(a)(1) of the FDCPA by intentional communication in connection with the collection of a debt from Plaintiff at a time and place known by Defendant to be inconvenient to Plaintiff.

**II. SECOND CLAIM FOR RELIEF**  
**(Defendant Portfolio Recovery Associates)**  
**15 U.S.C. § 1692c(a)(3)**

12. Ms. Andres re-alleges and reincorporates all previous paragraphs as if fully set out herein.

13. The Debt Collector's violations include, but are not limited to, the following :

The Debt Collector violated 15 U.S.C. § 1692c(a)(3) of the FDCPA by intentionally communicating in connection with the collection of a debt from Plaintiff at Plaintiff's employment after Defendant knew or had reason to know that Plaintiff's employer prohibited Plaintiff from receiving such communications.

**VI. JURY DEMAND AND PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Ms. Andres respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for :

- A. Judgment for violation occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. awarding attorney's fees and costs, and other relief
- E. Cost Pursuant to 15 U.S.C 1692k(3);
- F. For such other and further relief as the court may deem just and proper.



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Jennifer Andres  
8922 E 60TH ST  
Tulsa, OK 74145-8723  
andresjenifer015@gmail.com

Jennifer Andres  
8922 E 60TH ST  
TULSA OK 74145-8723

USPS CERTIFIED MAIL



9407 1118 9876 5497 0596 11

Clerk Office  
NORTHERN DISTRICT OF OKLAHOMA  
333 W 4TH ST STE 411  
TULSA OK 74103-3819

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U.S. DISTRICT COURT

Jennifer Andres  
8922 E 60TH ST  
TULSA OK 74145-8723

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